



General Assembly

January Session, 2009

Raised Bill No. 754

LCO No. 2647

* ____SB00754JUD__042209__ *

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING TECHNICAL CHANGES TO THE STATUTES
REGARDING PERSONS WITH PSYCHIATRIC DISABILITIES AND
PERSONS WITH SUBSTANCE USE DISORDERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-465 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 The superintendent or director of any state-operated facility within
4 the Department of Mental Health and Addiction Services, subject to
5 the approval of the Commissioner of Mental Health and Addiction
6 Services and the State Traffic Commission, may prohibit, limit, restrict
7 or regulate the parking of vehicles, may determine speed limits, may
8 restrict roads or portions thereof to one-way traffic and may designate
9 the location of crosswalks on any portion of any road or highway upon
10 the grounds of the respective facilities, and may erect and maintain
11 signs designating such prohibitions or restrictions. [Security officers or
12 institutional patrolmen] Agency police appointed to act as state
13 policemen on [state institution] the grounds of state-operated facilities
14 under the provisions of section 29-18 may arrest or issue summons for
15 violation of such restrictions or prohibitions. Any person who fails to

16 comply with any such prohibition or restriction shall be fined not more
 17 than twenty-five dollars, and the court or traffic or parking authority
 18 having jurisdiction of traffic or parking violations in the town in which
 19 such facility is located shall have jurisdiction over violations of this
 20 section.

21 Sec. 2. Section 17a-467 of the general statutes is repealed and the
 22 following is substituted in lieu thereof (*Effective October 1, 2009*):

23 (a) The Commissioner of Mental Health and Addiction Services [,
 24 with the approval of the State Board of Mental Health and Addiction
 25 Services, shall promulgate regulations under which] may allow any
 26 physician or psychiatrist licensed to practice in this state [may] to
 27 conduct private treatment of any of his patients who have been
 28 admitted to any of the facilities of the Department of Mental Health
 29 and Addiction Services. Any such private treatment carried out in any
 30 of said facilities shall be conducted jointly with the staff of the facility
 31 and shall be subject to the approval of the superintendent or director of
 32 the facility who shall retain ultimate responsibility for the care and
 33 treatment of all patients under his control.

34 (b) Any patient, or the family or guardian of, or any other person
 35 having legal responsibility for, such patient who, while such patient is
 36 in a facility of the Department of Mental Health and Addiction
 37 Services, engages the private services of a physician or psychiatrist
 38 under subsection (a) of this section shall be responsible for and pay all
 39 fees and other charges of such physician or psychiatrist for such
 40 services. If the superintendent or director of a facility of the
 41 Department of Mental Health and Addiction Services gives his consent
 42 for a patient, under his care, to obtain and receive any such private
 43 treatment while the patient is in the facility, such consent shall not
 44 confer any responsibility or otherwise impose any liability on the
 45 department or on any other state department or agency for the
 46 treatment, fees or other charges of any such physician or psychiatrist.

47 Sec. 3. Section 17a-474 of the general statutes is repealed and the

48 following is substituted in lieu thereof (*Effective October 1, 2009*):

49 Whenever any person has been committed by any court to any state
 50 hospital for persons with psychiatric disabilities, [or other humane
 51 institution,] the Commissioner of Mental Health and Addiction
 52 Services or the Commissioner of Children and Families, as the case
 53 may be, or any person interested may, at any time thereafter, make
 54 application to the court making the order of commitment for a
 55 revocation or modification of such order or of the terms and conditions
 56 thereof. Such court shall thereupon order such notice of the time and
 57 place of hearing thereon as it deems advisable, shall hear and
 58 determine such application and may thereupon revoke, modify or
 59 affirm such order, and the action of the court thereon shall be subject
 60 to appeal as in other cases. Any [inmate of a state institution]
 61 individual receiving care in a hospital for persons with psychiatric
 62 disabilities [or for epileptic or mentally retarded] may be transferred to
 63 any other state [institution] hospital for persons with psychiatric
 64 disabilities [or for epileptic or mentally retarded] by order of the court
 65 making the original commitment of such [inmate] individual, upon
 66 application in writing by the superintendent of the [institution]
 67 hospital from which such transfer is to be made. Such court shall
 68 transmit copies of such order forthwith to the Commissioner of Mental
 69 Health and Addiction Services or the Commissioner of Children and
 70 Families, as the case may be, and the [institution] hospital from which
 71 transfer is made shall pay all costs of such order and transfer. Said
 72 [commissioner] commissioners may at any time cause an [inmate of
 73 one] individual receiving care in a state hospital for persons with
 74 psychiatric disabilities to be removed to another state hospital for
 75 persons with psychiatric disabilities, as the circumstances or necessities
 76 of the case may require.

77 Sec. 4. Section 17a-484a of the general statutes is repealed and the
 78 following is substituted in lieu thereof (*Effective October 1, 2009*):

79 (a) As used in this section:

80 (1) "Eligible households" means persons or families who are affected
81 by psychiatric disabilities or [chemical dependency] substance use
82 disorder, or both, and who are homeless or at risk of homelessness;

83 (2) "Homeless or at risk of homelessness" means (A) living on the
84 streets or in shelters, (B) coming out of homeless programs or
85 transitional housing and having no permanent housing, (C) living in
86 unsafe or abusive environments, (D) paying more than fifty per cent of
87 income for rent, (E) living in overcrowded conditions, or (F) being in
88 need of supportive services in order to maintain permanent housing;
89 and

90 (3) "Commissioner" means the Commissioner of Mental Health and
91 Addiction Services.

92 (b) The commissioner shall implement and administer a program to
93 provide grants-in-aid to nonprofit corporations for the purpose of
94 providing support services to eligible households. Such services shall
95 be designed to enable residents of eligible households to (1) obtain and
96 keep permanent housing, (2) increase their job skills and income, and
97 (3) achieve greater self-determination.

98 (c) The commissioner shall leverage funding from private and
99 federal funding sources in providing grants-in-aid for support services
100 under this section.

101 (d) The commissioner may adopt regulations, in accordance with
102 chapter 54, to carry out the provisions of this section.

103 Sec. 5. Section 17a-495 of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2009*):

105 (a) For the purposes of sections 17a-75 to 17a-83, inclusive, and 17a-
106 615 to 17a-618, inclusive, the following terms shall have the following
107 meanings: "Business day" means Monday to Friday, inclusive, except
108 when a legal holiday falls on any such day; "hospital for psychiatric
109 disabilities" means any public or private hospital, retreat, institution,

110 house or place in which any mentally ill person is received or detained
 111 as a patient, but shall not include any correctional institution of this
 112 state; "mentally ill person" means any person who has a mental or
 113 emotional condition which has substantial adverse effects on his or her
 114 ability to function and who requires care and treatment, and
 115 specifically excludes a person who is an alcohol-dependent person or a
 116 drug-dependent person, as defined in section 17a-680; "patient" means
 117 any person detained and taken care of as a mentally ill person; "keeper
 118 of a hospital for psychiatric disabilities" means any person, body of
 119 persons or corporation which has the immediate superintendence,
 120 management and control of a hospital for psychiatric disabilities and
 121 the patients therein; "support" includes all necessary food, clothing and
 122 medicine and all general expenses of maintaining state [institutions for
 123 the mentally ill] hospitals for persons with psychiatric disabilities;
 124 "indigent person" means any person who has an estate insufficient, in
 125 the judgment of the Court of Probate, to provide for his or her support
 126 and has no person or persons legally liable who are able to support
 127 him or her; "dangerous to himself or herself or others" means there is a
 128 substantial risk that physical harm will be inflicted by an individual
 129 upon his or her own person or upon another person, and "gravely
 130 disabled" means that a person, as a result of mental or emotional
 131 impairment, is in danger of serious harm as a result of an inability or
 132 failure to provide for his or her own basic human needs such as
 133 essential food, clothing, shelter or safety and that hospital treatment is
 134 necessary and available and that such person is mentally incapable of
 135 determining whether or not to accept such treatment because his
 136 judgment is impaired by his psychiatric disabilities. "Respondent"
 137 means a person who is alleged to be mentally ill and for whom an
 138 application for commitment to a [mental institution] hospital for
 139 persons with psychiatric disabilities has been filed; "voluntary patient"
 140 means any patient sixteen years of age or older who applies in writing
 141 to and is admitted to a hospital for psychiatric disabilities as a mentally
 142 ill person or any patient under sixteen years of age whose parent or
 143 legal guardian applies in writing to such hospital for admission of such
 144 patient; "involuntary patient" means any patient hospitalized pursuant

145 to an order of a judge of the Probate Court after an appropriate hearing
146 or a patient hospitalized for emergency diagnosis, observation or
147 treatment upon certification of a qualified physician.

148 (b) For the purposes of sections 17a-450 to 17a-484, inclusive, 17a-
149 495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, and 17a-560 to
150 17a-576, inclusive, the following terms shall have the following
151 meanings: "Business day" means Monday to Friday, inclusive, except
152 when a legal holiday falls on any such day; "hospital for persons with
153 psychiatric disabilities" means any public or private hospital, retreat,
154 institution, house or place in which any person with psychiatric
155 disabilities is received or detained as a patient, but shall not include
156 any correctional institution of this state; "patient" means any person
157 detained and taken care of as a person with psychiatric disabilities;
158 "keeper of a hospital for persons with psychiatric disabilities" means
159 any person, body of persons or corporation which has the immediate
160 superintendence, management and control of a hospital for persons
161 with psychiatric disabilities and the patients therein; "support"
162 includes all necessary food, clothing and medicine and all general
163 expenses of maintaining state [institutions] hospitals for [the] persons
164 with psychiatric disabilities; "indigent person" means any person who
165 has an estate insufficient, in the judgment of the Court of Probate, to
166 provide for his or her support and has no person or persons legally
167 liable who are able to support him or her; "dangerous to himself or
168 herself or others" means there is a substantial risk that physical harm
169 will be inflicted by an individual upon his or her own person or upon
170 another person; "gravely disabled" means that a person, as a result of
171 mental or emotional impairment, is in danger of serious harm as a
172 result of an inability or failure to provide for his or her own basic
173 human needs such as essential food, clothing, shelter or safety and that
174 hospital treatment is necessary and available and that such person is
175 mentally incapable of determining whether or not to accept such
176 treatment because his judgment is impaired by his psychiatric
177 disabilities; "respondent" means a person who is alleged to have
178 psychiatric disabilities and for whom an application for commitment

179 to [an institution] a hospital for persons with psychiatric disabilities
 180 has been filed; "voluntary patient" means any patient sixteen years of
 181 age or older who applies in writing to and is admitted to a hospital for
 182 persons with psychiatric disabilities as a person with psychiatric
 183 disabilities or any patient under sixteen years of age whose parent or
 184 legal guardian applies in writing to such hospital for admission of such
 185 patient; and "involuntary patient" means any patient hospitalized
 186 pursuant to an order of a judge of the Probate Court after an
 187 appropriate hearing or a patient hospitalized for emergency diagnosis,
 188 observation or treatment upon certification of a qualified physician.

189 (c) For the purposes of sections 17a-495 to 17a-528, inclusive,
 190 "person with psychiatric disabilities" means any person who has a
 191 mental or emotional condition which has substantial adverse effects on
 192 his or her ability to function and who requires care and treatment, and
 193 specifically excludes a person who is an alcohol-dependent person or a
 194 drug-dependent person, as defined in section 17a-680.

195 (d) For the purposes of sections 17a-452 to 17a-454, inclusive, 17a-
 196 456, 17a-458 to 17a-464, inclusive, 17a-466 to 17a-469, inclusive, 17a-
 197 471, 17a-474, 17a-476 to 17a-484, inclusive, 17a-540 to 17a-550,
 198 inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618,
 199 inclusive, "person with psychiatric disabilities" means any person who
 200 has a mental or emotional condition which has substantial adverse
 201 effects on his or her ability to function and who requires care and
 202 treatment, and specifically includes a person who is an alcohol-
 203 dependent person or a drug-dependent person, as defined in section
 204 17a-680.

205 Sec. 6. Subsection (c) of section 17a-506 of the general statutes is
 206 repealed and the following is substituted in lieu thereof (*Effective*
 207 *October 1, 2009*):

208 (c) Any person for whom a conservator of the person has been
 209 appointed in accordance with sections 45a-644 to 45a-662, inclusive,
 210 may request admission to a hospital for psychiatric disabilities and

211 such hospital may admit such person. The hospital shall notify the
 212 conservator and the probate court which appointed the conservator of
 213 the admission [within] not later than five business days [of] after such
 214 admission. The probate court shall, [within] not later than ten business
 215 days after such notice, appoint a physician who is a psychiatrist from
 216 the [panel] list provided by the Commissioner of Mental Health and
 217 Addiction Services as set forth in subsection (c) of section 17a-498, as
 218 amended by this act. The physician shall examine the patient within
 219 ten business days of his appointment to determine if the patient has
 220 given informed consent to his or her hospitalization. The physician
 221 shall make a report forthwith to the court. If the court concludes that
 222 the patient did not give informed consent to the hospitalization, the
 223 court, on its own motion, may proceed in the manner provided in
 224 subsections (a), (b), (c) and (f) of section 17a-498, as amended by this
 225 act. All costs and expenses, including Probate Court entry fees, shall be
 226 paid by the patient or, if he has a conservator of the estate, by such
 227 conservator.

228 Sec. 7. Subsection (c) of section 17a-498 of the general statutes is
 229 repealed and the following is substituted in lieu thereof (*Effective*
 230 *October 1, 2009*):

231 (c) The court shall require the certificates, signed under penalty of
 232 false statement, of at least two impartial physicians selected by the
 233 court, one of whom shall be a practicing psychiatrist, both of whom
 234 shall be licensed to practice medicine in the state of Connecticut and
 235 shall have been practitioners of medicine at least one year and shall not
 236 be connected with the hospital for psychiatric disabilities to which the
 237 application is being made, or related by blood or marriage to the
 238 applicant, or to the respondent. Such certificates shall indicate that
 239 they have personally examined such person within ten days of such
 240 hearing. The court shall appoint such physicians from a [panel] list of
 241 physicians and psychiatrists provided by the Commissioner of Mental
 242 Health and Addiction Services and such appointments shall be made
 243 in accordance with regulations to be promulgated by the Probate
 244 Court Administrator in accordance with section 45a-77. Each such

245 physician shall make a report on a separate form provided for that
246 purpose by the Department of Mental Health and Addiction Services
247 and shall answer such questions as may be set forth on such form as
248 fully and completely as reasonably possible. Such form shall include,
249 but not be limited to, questions relating to the specific psychiatric
250 disabilities alleged, whether or not the respondent is dangerous to
251 himself or herself or others, whether or not such illness has resulted or
252 will result in serious disruption of the respondent's mental and
253 behavioral functioning, whether or not hospital treatment is both
254 necessary and available, whether or not less restrictive placement is
255 recommended and available and whether or not respondent is
256 incapable of understanding the need to accept the recommended
257 treatment on a voluntary basis. Any such physician shall state upon
258 the form the reasons for his or her opinions. Such respondent or his or
259 her counsel shall have the right to present evidence and cross-examine
260 witnesses who testify at any hearing on the application. If such
261 respondent notifies the court not less than three days before the
262 hearing that he or she wishes to cross-examine the examining
263 physicians, the court shall order such physicians to appear. The court
264 shall cause a recording of the testimony of such hearing to be made, to
265 be transcribed only in the event of an appeal from the decree rendered
266 hereunder. A copy of such transcript shall be furnished without charge
267 to any appellant whom the Court of Probate finds unable to pay for the
268 same. The cost of such transcript shall be paid from funds
269 appropriated to the Judicial Department. If, on such hearing, the court
270 finds by clear and convincing evidence that the person complained of
271 has psychiatric disabilities and is dangerous to himself or herself or
272 others or gravely disabled, it shall make an order for his or her
273 commitment, considering whether or not a less restrictive placement is
274 available, to a hospital for psychiatric disabilities to be named in such
275 order, there to be confined for the period of the duration of such
276 psychiatric disabilities or until he or she is discharged or converted to
277 voluntary status pursuant to section 17a-506 in due course of law. Such
278 court order shall further command some suitable person to convey
279 such person to such hospital for psychiatric disabilities and deliver

280 him or her, with a copy of such order and of such certificates, to the
 281 keeper thereof. In appointing a person to execute such order, the court
 282 shall give preference to a near relative or friend of the person with
 283 psychiatric disabilities, so far as it deems it practicable and judicious.
 284 Notice of any action taken by the court shall be given to the
 285 respondent and his or her attorney, if any, in such manner as the court
 286 concludes would be appropriate under the circumstances.

287 Sec. 8. Section 17a-509 of the general statutes is repealed and the
 288 following is substituted in lieu thereof (*Effective October 1, 2009*):

289 The superintendent or director of any state-operated facility, as
 290 defined in subsection (c) of section 17a-458, may place any person with
 291 psychiatric disabilities committed to such state-operated facility, if
 292 such person is no longer in need of active psychiatric treatment in such
 293 state-operated facility, in a private boarding home for [mental patients]
 294 persons with psychiatric disabilities licensed by the Department of
 295 Public Health in accordance with sections 19a-490 to 19a-503, inclusive,
 296 or a chronic and convalescent hospital, provided such person shall,
 297 despite such transfer, remain subject to the medical supervision of the
 298 superintendent or director of such state-operated facility, and such
 299 superintendent or director may, if medically indicated, order and
 300 provide for the return of any such patient to such state-operated
 301 facility, subject to any limitations of the term of commitment contained
 302 in the order of commitment under which such patient was committed
 303 to such state-operated facility. The provisions of this section shall not
 304 apply to any person who is under a term of imprisonment or who has
 305 not met the requirements of the condition of release set to provide the
 306 reasonable assurance of such person's appearance in court.

307 Sec. 9. Section 17a-523 of the general statutes is repealed and the
 308 following is substituted in lieu thereof (*Effective October 1, 2009*):

309 Any judge of the Superior Court, on information to him that any
 310 person is unjustly deprived of his liberty by being detained or confined
 311 in any hospital for psychiatric disabilities, or in any place for the

312 detention or confinement of persons with psychiatric disabilities, or in
 313 custody and control of any individual under an order of a court of
 314 probate, may appoint a commission of not fewer than two persons,
 315 who, at a time and place appointed by them, shall hear any evidence
 316 offered [touching] regarding the case. Such commission need not
 317 summon the party claimed to be unjustly confined before it, but shall
 318 have one or more private interviews with him and shall also make
 319 inquiries of the physicians and other persons having charge of such
 320 place of detention or confinement, and within a reasonable time
 321 thereafter report to such judge the facts and its opinion thereon. If, in
 322 its opinion, such person is not legally detained or confined in such
 323 place, or is cured, or his confinement is no longer beneficial or
 324 advisable, such judge shall order his discharge; but no commission
 325 shall be appointed with reference to the same person more often than
 326 once in six months. The judge before whom any of the proceedings
 327 provided for in this section are had may tax reasonable costs at his
 328 discretion.

329 Sec. 10. Section 17a-565 of the general statutes is repealed and the
 330 following is substituted in lieu thereof (*Effective October 1, 2009*):

331 There shall be an advisory board for the division, constituted as
 332 follows: The Commissioner of Mental Health and Addiction Services,
 333 three physicians licensed to practice in this state, two of whom shall be
 334 psychiatrists, two attorneys of this state, at least one of whom shall be
 335 in active practice and have at least five years' experience in the trial of
 336 criminal cases, one licensed psychologist with experience in clinical
 337 psychology, one [social worker who is masters level or higher] licensed
 338 clinical social worker, and one person actively engaged in business
 339 who shall have at least ten years' experience in business management.
 340 Annually, on October first, the Governor shall appoint a member or
 341 members to replace those whose terms expire for terms of five years
 342 each. The board shall elect a chairman and a secretary, who shall keep
 343 full and accurate minutes of its meetings and preserve the same. The
 344 board shall meet at the call of the chairman at least quarterly. Members
 345 of the board shall receive no compensation for their duties as such but

346 shall be reimbursed for their actual expenses incurred in the course of
347 their duties. Said board shall confer with the staff of the division and
348 give general consultative and advisory services on problems and
349 matters relating to its work. On any matter relating to the work of the
350 division, the board may also confer with the warden or superintendent
351 of the affected Connecticut correctional institution.

352 Sec. 11. Subsection (d) of section 17a-683 of the general statutes is
353 repealed and the following is substituted in lieu thereof (*Effective*
354 *October 1, 2009*):

355 (d) If the medical officer determines that the person requires
356 inpatient treatment, the person shall be (1) admitted to, referred to or
357 detained at a treatment facility that provides medical treatment for
358 detoxification or a hospital, or (2) committed to a treatment facility
359 operated by the Department of [Public] Mental Health and Addiction
360 Services for emergency treatment pursuant to the provisions of section
361 17a-684. A person treated under subdivision (1) of this subsection shall
362 be admitted as a voluntary patient, or, if necessary, detained for
363 necessary treatment. If such person is referred to another treatment
364 facility or another hospital, the referring facility or hospital shall
365 arrange for his transportation.

366 Sec. 12. Subsection (b) of section 17a-450a of the general statutes is
367 repealed and the following is substituted in lieu thereof (*Effective*
368 *October 1, 2009*):

369 (b) The Department of Mental Health and Addiction Services shall
370 constitute a successor department to the addiction services component
371 of the Department of Public Health and Addiction Services. Whenever
372 the words "Commissioner of Public Health and Addiction Services" are
373 used or referred to in the following general statutes, the words
374 "Commissioner of Mental Health and Addiction Services" shall be
375 substituted in lieu thereof and whenever the words "Department of
376 Public Health and Addiction Services" are used or referred to in the
377 following general statutes, the words "Department of Mental Health

378 and Addiction Services" shall be substituted in lieu thereof: 4a-12, 17a-
379 3, [17a-465a,] 17a-670 to 17a-676, inclusive, 17a-678 to 17a-682,
380 inclusive, 17a-684 to 17a-687, inclusive, 17a-691, 17a-694, 17a-710, 17a-
381 712, 17a-713 19a-89c, 20-74o, 20-74p, 20-74q, 21a-274a, 54-36i and 54-
382 56g.

383 Sec. 13. Subsection (c) of section 17a-673 of the general statutes is
384 repealed and the following is substituted in lieu thereof (*Effective*
385 *October 1, 2009*):

386 (c) The department shall provide for adequate and appropriate
387 treatment for alcohol-dependent persons, drug-dependent persons and
388 intoxicated persons admitted under sections [17a-465a and] 17a-680 to
389 17a-690, inclusive. Treatment may not be provided at a correctional
390 institution except for inmates.

391 Sec. 14. Section 17a-680 of the general statutes is repealed and the
392 following is substituted in lieu thereof (*Effective October 1, 2009*):

393 For purposes of sections [17a-465a,] 17a-673, [and] 17a-680 to 17a-
394 690, inclusive, and subsection (d) of section 17a-484:

395 (1) "Alcohol-dependent person" means a person who has a
396 psychoactive substance dependence on alcohol as that condition is
397 defined in the most recent edition of the American Psychiatric
398 Association's "Diagnostic and Statistical Manual of Mental Disorders";

399 (2) "Business day" means Monday to Friday, inclusive, except when
400 a legal holiday falls on any such day;

401 (3) "Department" means the Department of Mental Health and
402 Addiction Services;

403 (4) "Dangerous to himself" means there is a substantial risk that
404 physical harm will be inflicted by a person on himself;

405 (5) "Dangerous to others" means there is a substantial risk that
406 physical harm will be inflicted by a person on another person;

407 (6) "Drug or drugs" means a controlled drug as defined in section
408 21a-240;

409 (7) "Drug-dependent person" means a person who has a
410 psychoactive substance dependence on drugs as that condition is
411 defined in the most recent edition of the American Psychiatric
412 Association's "Diagnostic and Statistical Manual of Mental Disorders";

413 (8) "Commissioner" means the Commissioner of Mental Health and
414 Addiction Services;

415 (9) "Gravely disabled" means a condition in which a person, as a
416 result of the use of alcohol or drugs on a periodic or continuous basis,
417 is in danger of serious physical harm because (A) he is not providing
418 for his essential needs such as food, clothing, shelter, vital medical
419 care, or safety, (B) he needs, but is not receiving, inpatient treatment
420 for alcohol dependency or drug dependency and (C) he is incapable of
421 determining whether to accept such treatment because his judgment is
422 impaired;

423 (10) "Hospital" means an establishment licensed under the
424 provisions of sections 19a-490 to 19a-503, inclusive, for the lodging,
425 care and treatment of persons suffering from disease or other
426 abnormal physical or mental conditions, and includes inpatient
427 psychiatric services in general hospitals;

428 (11) "Incapacitated by alcohol" means a condition in which a person
429 as a result of the use of alcohol has his judgment so impaired that he is
430 incapable of realizing and making a rational decision with respect to
431 his need for treatment;

432 (12) "Incompetent person" means a person who has been adjudged
433 incompetent by a court of competent jurisdiction;

434 (13) "Intoxicated person" means a person whose mental or physical
435 functioning is substantially impaired as a result of the use of alcohol or
436 drugs;

437 (14) "Medical officer" means a licensed physician in attendance at a
438 treatment facility or hospital;

439 (15) "Respondent" means a person who is alleged to be alcohol-
440 dependent or drug-dependent and for whom a petition for
441 commitment or recommitment to an inpatient treatment facility has
442 been filed;

443 (16) "Treatment" means any emergency, outpatient, intermediate
444 and inpatient services and care, including diagnostic evaluation,
445 medical, psychiatric, psychological and social services, vocational and
446 social rehabilitation and other appropriate services, which may be
447 extended to alcohol-dependent persons, drug-dependent persons and
448 intoxicated persons;

449 (17) "Treatment facility" means (A) a facility providing treatment
450 and operating under the direction and control of the department or (B)
451 a private facility providing treatment and licensed under the
452 provisions of sections 19a-490 to 19a-503, inclusive.

453 Sec. 15. Subsections (a) and (b) of section 17a-688 of the general
454 statutes are repealed and the following is substituted in lieu thereof
455 (*Effective October 1, 2009*):

456 (a) All records maintained by the court of cases coming before it
457 under the provisions of sections [17a-465a,] 17a-673 and 17a-680 to
458 17a-690, inclusive, shall be sealed and available only to the respondent
459 or the respondent's counsel unless the court, after hearing held with
460 notice to the respondent, determines such record should be disclosed
461 for cause shown.

462 (b) Medical treatment facilities shall keep and submit such records
463 of all persons examined, admitted or treated pursuant to sections
464 [17a-465a,] 17a-673 and 17a-680 to 17a-690, inclusive, as may be
465 required by the department.

466 Sec. 16. Section 17a-689 of the general statutes is repealed and the

467 following is substituted in lieu thereof (*Effective October 1, 2009*):

468 (a) No medical officer or staff member of a treatment facility or
 469 hospital who submits any report or files any petition required or
 470 authorized by sections [17a-465a,] 17a-673 and 17a-680 to 17a-690,
 471 inclusive, shall be held to have violated any otherwise confidential
 472 relationship.

473 (b) Any medical officer or staff member of a treatment facility or
 474 hospital acting in compliance with sections [17a-465a,] 17a-673 and
 475 17a-680 to 17a-690, inclusive, shall be deemed to be acting in the course
 476 of his official duty and shall not be criminally or civilly liable therefor.

477 (c) Any police officer acting in compliance with sections [17a-465a,]
 478 17a-673 and 17a-680 to 17a-690, inclusive, shall be deemed to be acting
 479 in the course of official duty and shall not be criminally or civilly liable
 480 therefor.

481 (d) Any person who is lawfully designated to assist in protective
 482 custody and transport under the provisions of section 17a-683 shall be
 483 deemed to be acting in the course of official duty and shall not be
 484 criminally or civilly liable therefor.

485 (e) Any person who wilfully and knowingly causes or attempts to
 486 cause any person not an alcohol-dependent person or not a drug-
 487 dependent person to be committed pursuant to section 17a-684, or
 488 section 17a-685, or any person who knowingly makes a false statement
 489 of fact or belief in any petition, certificate or report required by sections
 490 [17a-465a,] 17a-673 and 17a-680 to 17a-690, inclusive, or any person
 491 who wilfully and knowingly reports falsely to any court, judge,
 492 prosecutor or law enforcement officer that any person is an alcohol-
 493 dependent person or a drug-dependent person, may be imprisoned
 494 not more than one year or fined not more than one thousand dollars or
 495 both.

496 (f) Any person who fraudulently makes application for treatment as
 497 a drug-dependent person, or who makes more than one application for

498 such treatment with the intent of obtaining controlled drugs in excess
 499 of that provided for a patient in treatment or to conceal or thwart a
 500 prior treatment program at another or the same treatment facility, shall
 501 be fined not more than five hundred dollars or imprisoned not more
 502 than one year, or both.

503 Sec. 17. Subsection (c) of section 17a-690 of the general statutes is
 504 repealed and the following is substituted in lieu thereof (*Effective*
 505 *October 1, 2009*):

506 (c) Nothing in sections [17a-465a,] 17a-673 and 17a-680 to 17a-690,
 507 inclusive, shall affect any law against driving under the influence of
 508 alcoholic liquor, or other similar offense involving the operation of a
 509 vehicle, aircraft, boat, machinery or other equipment, or regarding the
 510 sale, purchase, dispensing, possessing or use of alcoholic beverages at
 511 stated times and places or by a particular class of persons.

512 Sec. 18. Section 17a-465a of the general statutes is repealed. (*Effective*
 513 *October 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	17a-465
Sec. 2	<i>October 1, 2009</i>	17a-467
Sec. 3	<i>October 1, 2009</i>	17a-474
Sec. 4	<i>October 1, 2009</i>	17a-484a
Sec. 5	<i>October 1, 2009</i>	17a-495
Sec. 6	<i>October 1, 2009</i>	17a-506(c)
Sec. 7	<i>October 1, 2009</i>	17a-498(c)
Sec. 8	<i>October 1, 2009</i>	17a-509
Sec. 9	<i>October 1, 2009</i>	17a-523
Sec. 10	<i>October 1, 2009</i>	17a-565
Sec. 11	<i>October 1, 2009</i>	17a-683(d)
Sec. 12	<i>October 1, 2009</i>	17a-450a(b)
Sec. 13	<i>October 1, 2009</i>	17a-673(c)
Sec. 14	<i>October 1, 2009</i>	17a-680
Sec. 15	<i>October 1, 2009</i>	17a-688(a) and (b)
Sec. 16	<i>October 1, 2009</i>	17a-689

Sec. 17	<i>October 1, 2009</i>	17a-690(c)
Sec. 18	<i>October 1, 2009</i>	Repealer section

PH *Joint Favorable*

JUD *Joint Favorable*